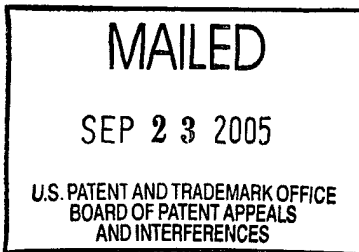


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte CHARLES C. BIRKNER,  
ELIAS GEORGE ELDAHDAH,  
and  
DAVID FREDERICK MARTINEZ

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Application 09/696,465

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COMMUNICATION

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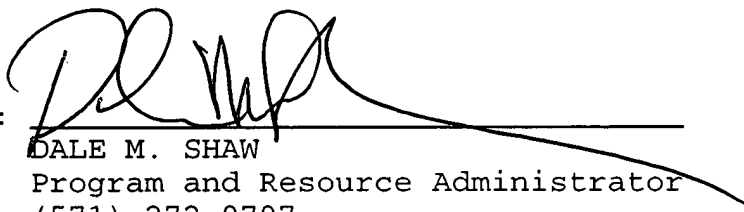
An ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER was mailed August 15, 2005, which requested that the examiner notify appellants "to submit a Supplemental Appeal Brief which includes a new Appendix to the Appeal Brief filed on June 14, 2004, or for the examiner to issue a Supplemental Examiner's Answer which contains a correct copy of claims 1, 11 and 12." It is noted that a new Appendix was facsimile transmitted by appellants on August 23, 2005 and has replaced the previously defective Appendix. Accordingly, the case will be issued an Appeal Number

Application 09/696,465

and assigned in due course to a merits panel for consideration  
and decision on the written record.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
DALE M. SHAW  
Program and Resource Administrator  
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